IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 8986 of 2007(T)

PETITIONER:

DASAN, S/O.KUMARAN, AGED 46 YEARS,
CHYTHRAM, SAKTHIKULANGARA, KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:

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1. THE REGISTRAR OF CO-OPERATIVE
THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, KOLLAM.

3. THE COASTAL URBAN CO-OPERATIVE BANK,
LTD.NO.3036, KOLLAM REPRESENTED BY ITS
SECRETARY.

4. THE SPECIAL SALE OFFICER,
THE COASTAL URBAN CO-OPERATIVE BANK,
LTD NO.3036, KOLLAM.

BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 8986/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE RECEIPT DATED 17.1.2000.

EXT. P1(a) : TRUE COPY OF THE RECEIPT DATED 22.6.2000.

EXT. P1 (b) : TRUE COPY OF THE RECEIPT DATED 22/6/2000.

EXT. P1 (c) : TRUE COPY OF THE RECEIPT DATED 22.6.2000.

EXT. P1 (d) : TRUE COPY OF THE RECEIPT DATED 8.8.2000.

EXT. P1 (e) : TRUE COPY OF THE RECEIPT DATED 22.3.2005.

EXT. P2 : A TRUE COPY PHOTOCOPY OF THE SAID NOTIFICATION DATED 23.3.2007.

EXT. P3 : A TRUE PHOTOCOPY OF THE SAID PETITION DATED 26.2.2007.

K.M.JOSEPH, J.

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WP.(C) No. 8986 of 2007

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Dated this the 9th day of August, 2007

JUDGMENT

Petitioner seeks a mandamus to compel the respondents not to proceed against the landed properties of the petitioner pursuant to Ext.P2. The further prayer is for a direction to compel the respondents to give the benefit of one settlement scheme and seeks a declaration that respondents 2 to 4 are not entitled to realise Rs.1,07,234/- from the petitioner.

2. Case of the petitioner is as follows:

Petitioner availed a loan of Rs.50,000/-. Petitioner and his wife are poor agriculturists. Petitioner could not effect payment of insalments regularly. Petitioner has preferred Ext.P3 claiming the benefit of one time settlement. Though service is complete, there is no appearance for the third respondent.

In such circumstances the writ petition is disposed of directing the third respondent to consider and take a decision on Ext.P3 in accordance with law and communicate the same to the petitioner within

a period of six weeks from the date of receipt of a copy of this judgment. Till such time as a decision is taken and communicated to the petitioner, the interim order will continue.

(K.M. JOSEPH, JUDGE)

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